

ORIGINAL

ROBINSON BROG LEINWAND GREENE GENOVESE & GLUCK P.C.

1345 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10105-0143

GARY P. ADELMAN ***
 MARSHALL E. BERNSTEIN
 DAVID M. BLUMENTHAL *
 AVRON I. BROG
 STEPHEN BOONSHOFT
 NICHOLAS R. CAPUTO *
 JOHN D. D'ERCOLE
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 ERACH F. SCREWALA
 PHILIP T. SIMPSON
 RICHARD M. TICKTIN
 PHILIP H. THOMAS

212-603-6300

FAX 212-956-2184

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COUNSEL
 DAVID C. BURGER
 ROBERT B. GLUCKMAN
 PAUL KATCHER
 DONALD M. KLEIN *
 LEE PERSHAN
 RUSSELL P. McRORY
 THOMAS McG. SANFORD
 ROBERT M. SABLOFF

NEAL I. GANTCHER
 (1940-2008)

ANTHONY S. GENOVESE
 (1933-2005)

* NY AND NJ BARS
 ** NY AND D.C. BARS
 *** NY AND CONNECTICUT BARS
 * NY AND TENNESSEE BARS
 ** NY, NJ AND PA BARS

BY FAX

Hon. Victor Marrero
 United States District Judge
 United States District Court for the
 Southern District of New York
 500 Pearl Street, Room 660
 New York, New York 10007

USDS SDNY
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Re: DirecTV Latin America, LLC. v. Park 610, LLC, et al.
 08 Civ. 3987 (VM)

Dear Judge Marrero:

My firm represents defendants Carlos Pratola ("Pratola"), Alejandro Zunda Cornell ("Zunda") and Diego Clemente ("Clemente"), none of whom have yet been served with the summons and amended complaint or any other papers in the above-noted action. I am constrained to submit this letter in response to the letter, dated July 23, 2008 ("July 23 Letter"), from plaintiff's counsel to the Court concerning plaintiff's pending motions to confirm certain ex parte pre-judgment attachments.

Plaintiff's counsel, Terrence W. McCormick, concedes that my firm's clients have not yet been served with the summons and amended complaint in compliance with the Hague Convention. Plaintiff's counsel nonetheless argues that my firm's clients have been properly served with plaintiff's motion papers because they were mailed by plaintiff's counsel to my firm's clients in Argentina. Plaintiff's counsel is incorrect for at least two reasons.

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First, plaintiff's counsel cites the decision in Bankston v. Toyota Motor Corp., 889 F.2d 172, 173-74 (8th Cir. 1989). Bankston dealt with whether Article 10(a) of the Hague Convention permits service on a Japanese defendant by direct mail. Noting that there is a split of authority on the issue, the Eighth Circuit held as follows:

"Subscribers to this interpretation maintain that Article 10(a) merely provides a method for sending subsequent documents after service of process has been obtained by means of the central authority. We find this second line of authority to be more persuasive." (emphasis added; citations omitted)

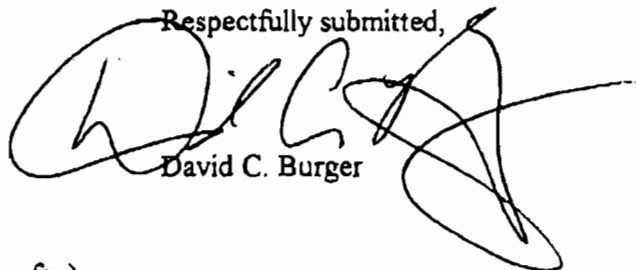
889 F.2d at 174.

The only authority cited by plaintiff's counsel thus provides that Article 10(a) would permit motion papers to be served by direct mail only after the summons and complaint have been properly served through the foreign country's central authority.

More importantly, plaintiff's counsel fails to recognize that Argentina has objected to Article 10 of the Hague Convention. Article 10 states that: "Provided the State of destination does not object, the present Convention shall not interfere with – (a) the freedom to send judicial documents, by postal channels, directly to persons abroad,...." Argentina has objected to Article 10 as follows: "The ARGENTINE REPUBLIC opposes to the use of methods of transmission pursuant to Article 10." Selected International Conventions, at p. IC-3 (Martindale-Hubbell 2006). The direct mailing of legal papers pursuant to Article 10(a) therefore cannot be utilized by plaintiff to serve any legal papers on my firm's clients in Argentina.

Accordingly, the time within which my firm's clients are required to respond to plaintiff's motions has not yet started to run, and therefore my firm's clients have not defaulted with respect to any opposition to plaintiff's motions.

Respectfully submitted,



David C. Burger

cc: Terence W. McCormick, Esq. (by fax)
V. David Rivkin, Esq. (by fax)

The parties are directed to address the matter set forth above to Magistrate Judge Gabriel Gorenstein, to whom this dispute has been referred for resolution, as well as for supervision of remaining pretrial proceedings, establishing case management schedules as necessary, and settlement.

SO ORDERED.

7-25-08
Date



VICTOR MARRERO, U.S.D.J.